

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

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FILE:

B-218102.2

DATE: April 16, 1985

MATTER OF:

Mounts Engineering--Reconsideration

DIGEST:

1. Where protester has not shown any reason for untimely filing of protest, good cause exception to timeliness requirements is not applicable and prior decision dismissing protest is affirmed.
2. Where issue raised in protest affects protested procurement only, significant issue is not present to justify exception to GAO's filing requirements and prior decision dismissing protest as untimely is affirmed.

Mounts Engineering (Mounts) requests reconsideration of our decision, Mounts Engineering, B-218102, Feb. 21, 1985, 85-1 C.P.D. ¶ 223, which dismissed as untimely Mounts' protest against the award of a contract to Potomac Engineering and Surveying under solicitation No. S0145066 issued by the Department of the Interior.

We affirm our prior decision.


Mounts admits that its initial protest was untimely filed, but asserts that we should consider the merits of its protest under section 21.2(c) of our Bid Protest Regulations which allows for consideration of an untimely protest for good cause shown or where a protest raises issues significant to the procurement system. 4 C.F.R. § 21.2(c) (1985).

The good cause exception to our timeliness requirements is limited to circumstances where some compelling reason beyond the protester's control prevents the timely filing of a protest. Ensign Aircraft Company, B-207898.3, Apr. 1, 1983, 83-1 C.P.D. ¶ 340. Mounts has not shown any reason for its untimely filing and, therefore, the good cause exception is not applicable. See Knox Manufacturing Co.--Reconsideration, B-218132.2, Mar. 6, 1985, 85-1 C.P.D. ¶ ____.

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The significant issue exception to our timeliness rule contemplates a protest which involves a procurement principle of widespread interest or which affects a broad class of procurements. Detroit Broach and Machine, B-213643, Jan. 5, 1984, 84-1 C.P.D. ¶ 55. In our opinion, the issue presented by Mounts' protest--the alleged failure to comply with the stated evaluation criteria of the IFB--concerns the evaluation of bids in this particular procurement only and is not of sufficient impact to warrant review under our significant issue exception. Id. See also Canadian Commercial Corporation--Reconsideration, B-212895.3, Mar. 5, 1984, 84-1 C.P.D. ¶ 262. Moreover, the issue raised by Mounts is an issue which has been presented to and resolved by this Office on numerous occasions and, therefore, the significant issue exception is not applicable. See, for example, Apex International Management Services, Inc., B-212220.2, May 30, 1984, 84-1 C.P.D. ¶ 584; Knox Manufacturing Co.--Reconsideration, B-218132.2, supra.

Our prior decision is affirmed.

for 
Harry R. Van Cleve
General Counsel